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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,983	10/18/2004	John Robert Lamberty	GEMS 0169 PA	5982

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ART UNIT	PAPER NUMBER
2882	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/711,983	LAMBERTY ET AL.
	Examiner	Art Unit	
	Chih-Cheng Glen Kao	2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 April 2006_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,2,4,5,8-12,15,21,23-26,28-40 and 42-50_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,2,4,5,8-12,15,21,23-26,28-40 and 42-50_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _20 April 2006_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Drawings

1.   The drawings were received on April 20, 2006. These drawings are acceptable.

Claim Objections

2.   Claims 8, 9-12, 15, 23-26, and 28 are objected to because of the following informalities, which appear to be minor draft errors including grammatical and/or lack of antecedent basis problems.

In the following format (location of objection; suggestion for correction), the following correction(s) may obviate the objection(s): (claim 8, line 3, "said fifth image readout"; changing the dependency of claim 8 from claim 6 to claim 5), (claim 9, lines 15-16, "algorithm; periodically updating"; inserting - -and- - before "periodically"), (claim 11, line 7, "said first scatter signal"; replacing "first" with - -second- -), (claim 15, line 3, "said fifth image readout"; changing the dependency of claim 15 from claim 13 to claim 12), (claim 23, line 1; replacing "data file" with - -scanning system- -), (claim 24, line 1; replacing "data file" with - -scanning system- -), (claim 24, line 2, "data is generated"; replacing "is" with - -are- -), (claim 24, line 3, "the patient"; replacing "patient" with - -person- -), (claim 25, line 1; replacing "data file" with - -scanning system- -), (claim 26, line 1; replacing "data file" with - -scanning system- -), (claim 26, line 2, "data is generated"; replacing "is" with - -are- -), (claim 26, line 3, "the patient"; replacing "patient" with - -person- -), and (claim 28, line 1; replacing "data file" with - -scanning system- -).

Claims 10-12 and 15 are objected to by virtue of their dependency. For purposes of examination, the claims have been treated as such. Appropriate correction is required.

3.   Applicant is advised that should claims 1, 4, 5, and 8 be found allowable, claims 9-12 and 15 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims 40 and 42-50 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for x-ray sources, does not reasonably provide enablement for other imaging system sources such as imaging system sources using visible light. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

Claim 40 recites an imaging system source. However, such a source reads on other sources such as a source using visible light, which is not enabled by the specification. The

specification does not provide enablement for obtaining scatter data and modifying digital data

with scatter data to compensate for scattered radiation with an imaging system source using

visible light in the context of the claim. Therefore, claim 40 is rejected for enablement issues.

Claims 42-50 are rejected by virtue of their dependency.

5.   Claims 21, 23-26, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being

incomplete for omitting essential elements, such omission amounting to a gap between the

elements. See MPEP § 2172.01. The omitted elements are computer-readable medium encoded

with an x-ray image data file.

Claim 21 claims a scanning system including a host computer and a data file. Data files

are not physical "things." They are not computer components. Such claimed data files do not

define any structural and functional interrelationships between the data file and other claimed

elements of a computer, which permit the data file's functionality to be realized. In contrast, a

claimed computer-readable medium encoded with a data file is a computer element, which

defines structural and functional interrelationships between the data file and the rest of the

computer and permit the data file's functionality to be realized. Therefore, a computer-readable

medium encoded with the data file is considered critical and essential in order to provide

structure to the data file in a tangible system. Claims 23-26 and 28 are rejected by virtue of their

dependency.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1, 2, 4, 5, 8-12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. (US 6980626) in view of Nonaka (JP 2000-102529).

7.   Regarding claims 1 and 9, Groh et al. discloses a method comprising generating a first x-ray flux in a first imaging plane (fig. 1, #4), generating a first image readout (col. 4, lines 13-18), digitally sampling a first scatter signal from said first x-ray flux in a second imaging plane (col. 3, lines 45-55), generating a first compensation signal for said first scatter signal (col. 4, lines 13-17), generating a second x-ray flux in said second imaging plane (fig. 1, #6), generating a second image readout (col. 4, lines 13-18), compensating for scatter in said second image readout with said first compensation signal (col. 4, lines 7-10), activating a first scatter correction algorithm (col. 3, line 65, to col. 4, line 4) in response to said second image readout and said first compensation signal (col. 4, lines 7-10), and generating a first image display from said first scatter correction algorithm (col. 4, lines 16-18).

However, Groh et al. fails to disclose periodically updating a first image display through stopping a current exposure in a second imaging plane and reading a scatter image update resulting from an exposure in a first plane.

Nonaka teaches periodically updating a first image display through stopping a current exposure in a second imaging plane and reading a scatter image update resulting from an exposure in a first plane (fig. 2, S_{L1} and S_{F1}, and paragraphs 24 and 25).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the method of Groh et al. with the updating of Nonaka, since one would be motivated to make such a modification to obtain a better image (paragraphs 24 and 25) as implied from Nonaka.

8.   Regarding claim 2, Groh et al. further discloses wherein generating a first compensation signal further comprises activating a first scatter image formation algorithm (col. 3, line 65, to col. 4, line 4), generating said first compensation signal (col. 4, line 2), and necessarily storing said first compensation signal in a first scatter correction memory.

9.   Regarding claims 4, 10, and 11, Groh et al. further discloses generating a third x-ray flux in said first imaging plane (fig. 2, 4 (on)), generating a third image readout (col. 4, lines 5-20), generating a fourth x-ray flux in said second imaging plane (fig. 2, 6 (on)), generating a fourth image readout (col. 4, lines 1-20), digitally sampling a second scatter signal from said fourth x-ray flux in said first imaging plane, and generating a second compensation signal for said second scatter signal (col. 4, lines 10-13).

10.   Regarding claims 5 and 12, Groh et al. further discloses generating a second digital scatter readout (col. 4, lines 1-4), generating a fifth x-ray flux in said first imaging plane (fig. 2, 4

(on) and 6 (on)), generating a fifth image readout (col. 4, lines 5-10), and compensating for scatter in said fifth image readout with said second compensation signal (col. 4, lines 10-13).

11.   Regarding claims 8 and 15, Groh et al. further discloses activating a second scatter correction algorithm (col. 4, lines 1-4, or claim 1) in response to said fifth image readout (col. 1, lines 1-20) and said second compensation signal (col. 4, lines 10-13), and generating a second image display from said second scatter correction algorithm (col. 4, lines 1-4).

12.   Claims 21, 23, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. in view of Aisaka et al. (US 5021770) and Garland et al. (US 6244507).

13.   Regarding claims 21 and 23, Groh et al. discloses a system as recited above. Groh et al. further discloses a gantry (col. 3, line 12), a host computer (fig. 1, #8) adapted to receive a first detector signal, a second detector signal, a first scatter signal, and a second scatter signal (fig. 1, from #5 and 7), and computer-readable medium encoded with x-ray image data generated by said host computer (fig. 1, #8) as a function of the first detector signal, the second detector signal, the first scatter signal, and the second scatter signal representative of internal portions of an object (fig. 1, P), said data comprising first digital data representative of internal portions of said object when exposed to the first x-ray source (fig. 1, #4), and second digital data representative of internal portions of said object when exposed to the second x-ray source (fig. 1, #6) substantially simultaneously with exposure to the first x-ray source (fig. 2, 4(on) and 6(on)), wherein the first x-ray source (fig. 1, #4) is displaced from the second x-ray source (fig. 1, #6),

said first digital data modified to compensate for scattered radiation from the second x-ray source, and said second digital data modified to compensate from scattered radiation from the first x-ray source (col. 4, lines 5-18).

However, Groh et al. fails to disclose a data file and digital data representative of a characteristic of an object, wherein said object is a person and said third digital data is representative of at least one of the person's name, identification number, or physical condition.

Aisaka et al. teaches a data file (fig. 1, #2). Garland et al. teaches digital data representative of a characteristic of an object, wherein said object is a person and said third digital data is representative of at least one of the person's name, identification number, or physical condition (col. 1, lines 10-18).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the system of Groh et al. with the data file of Aisaka et al., since one would be motivated to make such a modification for easier organization and retrieval (fig. 1, #2, and col. 4, lines 26-30) as implied from Aisaka et al.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the system of Groh et al. with the digital data of Garland et al., since one would be motivated to make such a modification for standardizing files (col. 1, lines 19-28) as shown by Garland et al., which would provide easier retrieval and better compatibility with various systems.

Furthermore, it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the system of Groh et al. with a data file, since rearranging parts (i.e., rearranging data on a computer) of an invention involves only routine skill

in the art. One would be motivated to make such a modification to keep things more organized for faster processing or for easier searching.

14.   Regarding claim 28, Groh et al. as modified above suggests a system as recited above.

However, Groh et al. fails to disclose wherein at least one image is of the person's chest cavity.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the system of Groh et al. as modified above with the image of a person's chest cavity, since such a modification would have only involved rearranging parts of an invention, which only involves routine skill in the art. One would be motivated to make such a modification to better see inside that area.

15.   Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al., Aisaka et al., and Garland et al. as applied to claim 21 above, and further in view of Grady (US 4426725).

Groh et al. as modified above suggests a system as recited above.

However, Groh et al. fails to disclose wherein first and second data are generated when first and second sources are located at three positions relative to a patient, and wherein the at least three positions define an arc and are located along a straight line, and wherein said arc has a fixed radius.

Grady teaches wherein first and second data are generated when first and second sources (fig. 7, XA and XB) are located at three positions (col. 5, lines 28-32) relative to a patient (fig. 7,

P), and wherein the at least three positions define an arc (fig. 7, defined by #202 and 203) and are necessarily located along a straight line, and wherein said arc has a fixed radius (fig. 7, defined by #202 and 203).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the system of Groh et al. as modified above with the three positions of Grady, since one would be motivated to make such a modification for having more information (col. 5, lines 28-32) as implied from Grady.

16.   Claims 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. in view of Humphrey et al. (US 2005/0267351).

17.   Regarding claims 29-31 and 33, Groh et al. discloses a method as recited above.

However, Groh et al. fails to disclose generating a digital data representative of a characteristic of an object, a person's name, identification number, or physical condition, and generating a request for payment of money based upon at least said third digital data.

Humphrey et al. teaches generating a digital data representative of a characteristic of an object (paragraph 4), a person's name, identification number, or physical condition (paragraph 47), and generating a request for payment of money based upon at least said third digital data (paragraph 6).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the method of Groh et al. with the revenue generating of Humphrey et al., since one would be motivated to make such a modification for keeping things

better organized and obtaining more money (paragraphs 6 and 8) as implied from Humphrey et al.

18.   Regarding claims 32 and 34, Groh et al. as modified above suggests a method as recited above.

However, Groh et al. fails to disclose exposing a person's chest cavity.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the method of Groh et al. as modified above with the step of exposing a person's chest cavity, since such a modification would have only involved rearranging parts of an invention, which only involves routine skill in the art. One would be motivated to make such a modification to better see inside that area.

19.   Regarding claims 35-37, Groh et al. as modified above suggests a method as recited above.

However, Groh et al. fails to disclose a step of transmitting data over a computer network, wherein said computer network is the Internet, a wide-area computer network, or a local-area computer network.

Humphrey et al. teaches a step of transmitting data over a computer network, wherein said computer network is the Internet, a wide-area computer network, or a local-area computer network (paragraph 37).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the method of Groh et al. as modified above with the networking

of Humphrey et al., since one would be motivated to make such a modification for more easily

transferring data to various locations (paragraph 1) as implied from Humphrey et al.

20.   Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. and

Humphrey et al. as applied to claim 29 above, and further in view of Filler (US 2001/0051881).

        Groh et al. as modified above suggests a method as recited above.

        However, Groh et al. fails to disclose storing data in reference to a request for payment

and data representative of payments associated with said request for payment.

        Filler teaches storing data in reference to a request for payment and data representative of

payments associated with said request for payment (paragraphs 3 and 18).

        It would have been obvious, to one having ordinary skill in the art at the time the

invention was made, to include the method of Groh et al. as modified above with the storing of

Filler, since one would be motivated to make such a modification for better management

(paragraph 3) as implied from Filler.

21.   Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al.,

Humphrey et al., and Filler as applied to claim 38 above, and further in view of DiRienzo (US

2002/0194035).

        Groh et al. as modified above suggests a method as recited above.

        However, Groh et al. fails to disclose determining a service charge associated with a

request for payment.

DiRienzo teaches determining a service charge associated with a request for payment (paragraph 21).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the method of Groh et al. as modified above with the service charge of DiRienzo, since one would be motivated to make such a modification for better making sure someone pays for administrative costs as well (paragraph 21) as implied from DiRienzo.

22.   Claims 40, 42, 43, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. in view of Karellas et al. (US 2003/0169847) and Motoki (US 6920465).

23.   Regarding claim 40, Groh et al. discloses a system as recited above.

However, Groh et al. fails to disclose digital detectors and wherein a data processor is further configured to store digital data representative of a characteristic of an object.

Karellas et al. teaches digital detectors (paragraph 7). Motoki teaches wherein a data processor is further configured to store digital data representative of a characteristic of an object (col. 5, lines 40-45).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the system of Groh et al. as modified above with the detectors of Karellas et al., since one would be motivated to make such a modification for a more compact system (paragraph 4) as implied from Karellas et al.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the system of Groh et al. with the data storing of Motoki, since one would be motivated to make such a modification for easier image identification (fig. 7) as implied from Motoki.

24.　　　Regarding claims 42 and 46, Motoki further teaches wherein a characteristic is one of a person's name (col. 5, lines 40-45).

25.　　　Regarding claim 43, Groh et al. further discloses a human viewable display for generating an image associated with data (col. 4, lines 16-18).

26.　　　Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al., Karellas et al., and Motoki as applied to claim 43 above, and further in view of Annis et al. (US 6628745).

Groh et al. as modified above suggests a system as recited above.

However, Groh et al. fails to disclose a conveyor for supporting an object, wherein the object is one of baggage, packages, liquid containers, or envelopes, or wherein the object is a vehicle.

Annis et al. teaches a conveyor for supporting an object, wherein the object is one of baggage, packages, liquid containers, or envelopes (fig. 9), or wherein the object is a vehicle (fig. 15).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the system of Groh et al. as modified above with the objects of Annis et al., since one would be motivated to make such a modification for more easily inspecting (figs. 9 and 15) as implied from Annis et al.

27.   Claims 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al., Karellas et al., and Motoki as applied to claim 46 above, and further in view of Yonekawa (US 6504897).

28.   Regarding claims 47 and 48, Groh et al. as modified above suggests a system as recited above.

However, Groh et al. fails to disclose wherein a viewable display is configured to further generate alphanumeric or graphical images representative of a characteristic simultaneously with an image, wherein said characteristic is one of a name.

Yonekawa teaches wherein a viewable display (fig. 11) is configured to further generate alphanumeric or graphical images (fig. 11, B) representative of a characteristic simultaneously with an image (fig. 11, C), wherein said characteristic is one of a name (col. 31, lines 51-57).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the system of Groh et al. as modified above with the display of Yonekawa, since one would be motivated to make such a modification for easier image identification (col. 31, lines 51-57) as implied from Yonekawa.

29.   Regarding claim 49, Groh et al. further discloses a gantry (col. 3, line 12).

30.   Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al.,

Karellas et al., Motoki, and Yonekawa, as applied to claim 49 above, and further in view of

Cheung (US 6005911).

Groh et al. as modified above suggests a system as recited above.

However, Groh et al. fails to disclose a network interface.

Cheung teaches a network interface (col. 11, lines 1-11).

It would have been obvious, to one having ordinary skill in the art at the time the

invention was made, to include the system of Groh et al. as modified above with the network

interface of Cheung, since one would be motivated to make such a modification for more easily

transferring data (figs. 12 and 13) as implied from Cheung.

Response to Arguments

31.   Applicant's arguments with respect to claims 2, 4, 5, 8, 10-12, 15, 21, 23-26, 28, 40, and

42-50 have been considered but are moot in view of the new ground(s) of rejection. Applicant's

arguments filed April 20, 2006, have been fully considered but they are not persuasive.

32.   Regarding at least claims 1 and 9, applicant argues that Nonaka fails to disclose or

suggest periodically updating an image through stopping a current exposure. The examiner

disagrees. As seen in figure 2, prior to the time period for S_{L1} and S_{F1}, the image was corrected

with S_{L0} and S_{F0}, as evidenced by I_{L1}-S_{L0} and I_{F1}-S_{F0} at least. Then, at the time period for S_{L1}, a

current exposure in one plane is stopped, as evidenced by the lack of a pulse for X_L during the same time period for S_{L1}. This also occurs during the time period of S_{F1} for X_F. Then the image is updated with the acquired scatter images (S_{L1} and S_{F1}), as evidenced by I_{L8}-S_{L1} and I_{F8}-S_{F1}. Therefore, Nonaka does disclose or suggest periodically updating (paragraphs 24 and 25) through stopping a current exposure (S_{L1} and S_{F1}).

33.   Regarding at least claim 29, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

In this case, it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the method of Groh et al. with the revenue generating of Humphrey et al., since one would be motivated to make such a modification for keeping things better organized and obtaining more money (paragraphs 6 and 8) as implied from Humphrey et al.

Furthermore, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. Groh et al. discloses a specific medical imaging method (fig. 1). Humphrey et al. teaches a general medical imaging method (paragraph 4) with steps for generating revenue (as implied from paragraph 6). Therefore, the combination of references

would suggest and make obvious a specific medical imaging method (Groh et al.) with steps for generating revenue (Humphrey et al.).

34.   Regarding at least claim 40, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the system of Groh et al. with the data storing of Motoki, since one would be motivated to make such a modification for easier image identification (fig. 7) as implied from Motoki.

Furthermore, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. Groh et al. discloses a specific medical imaging system (fig. 1). Motoki teaches a general medical imaging system (fig. 1) with a data processor for storing a characteristic of an object (col. 5, lines 40-45). Therefore, the combination of references would suggest and make obvious a specific medical imaging system (Groh et al.) with a data processor for storing a characteristic of an object (Motoki).

In conclusion, applicant's arguments are not persuasive, and claims remain rejected.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

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information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gk

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